

### **REMARKS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3-9, 11-41, 57-58, 66-68, 72, and 81-83 are presently active in this case. The present Amendment amends Claims 1, 3-9, 13-17, 19, 21-28, 30-31, 33-39, 57-58; 66-68, and 72, and adds new Claims 81-86 without introducing any new matter; and cancels Claims 2, 9, 42-56, 59-65, 69-71, and 73-80 without prejudice or disclaimer.

In the outstanding Office Action, Claims 57-58, 66-68, 72-75 and 79-80 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 3-6, 8-9, 11-13, 15-17, 22-27, 29, 31-32, 36-38, 40-41, 57-59, 66-68, 72-75, and 79-80 were rejected under 35 U.S.C. § 102(b) as anticipated by Nakatani et al. (U.S. Patent No. 6,330,392, hereinafter “Nakatani”). Claims 2, 10, and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nakatani in view of Levine (U.S. Patent No. 4,963,994). Claims 7 and 30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nakatani in view of Preston et al. (U.S. Patent No. 5,052,040, hereinafter “Preston”). Claims 18-21, 33-35, and 39 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nakatani in view of McGee et al. (U.S. Patent No. 6,766,098, hereinafter “McGee”).

First, Applicants wish to thank Examiners Tran and Chowdhury for the courtesy of an interview granted to Applicants’ representative Nikolaus P. Schibli, Reg. No. 56,994, on August 26, 2008, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented. Examiner Tran indicated that if the claims were directed to a “camera,” the rejections based on the reference Nakatani would be overcome, and that they would reconsider the outstanding grounds for rejection upon formal submission of such amendment.

In response to the Restriction Requirement of December 19, 2006 being made final, Claims 42-56, 60-65, 69-71, and 76-78, directed to a non-elected invention, are canceled. Applicants reserve the right to present claims directed to the non-elected invention in a divisional application, which shall be subject to the third sentence of 35 U.S.C. § 121.<sup>1</sup>

In response to the rejection of Claims 57-58, 66-68, and 72 under 35 U.S.C. § 101, these claims are amended to be directed to a "computer-readable medium." These changes find non-limiting support in Applicants' disclosure as originally filed, for example in the original Claims 57-59. No new matter has been added. In addition, Claims 59, 73-75, and 79-80 are cancelled without prejudice or disclaimer.

New Claims 81-86 are presented. New Claims 81-86 recite features directed to the list of takes that include a list of descriptions of items of contents, and depend from independent Claims 1, 9, 13, 16, 31, and 37, respectively. These features find non-limiting support in Applicants' disclosure as originally filed, for example in the specification at p. 13, ll. 7-9. No new matter has been added.

Moreover, Applicants' independent Claim 1 is amended to be directed to a camera, and is also amended to recite all the features of dependent Claim 2, and to correct minor formal issues. Again, no new matter has been added. Consequently, dependent Claim 2 is cancelled without prejudice or disclaimer, and dependent Claims 3-8 are amended to better comply with U.S. claim drafting practice and to correct minor formal issues.

Briefly summarizing, Applicants' Claim 1 is directed to a camera which is configured to generate media data signals. The camera includes a recording unit which is configured to record the media data signals on a recording medium, a meta data generation processor is configured to generate meta data identifying the content of the media data signals in response to the media data signals, and a communications processor which is configured to

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<sup>1</sup> "A patent issuing on an application with respect to which a requirement for restriction under this section has been made ... shall not be used as a reference ... against a divisional application." See also MPEP 804.01.

communicate the meta data separately from the recording medium. In addition, the meta data generation processor is *configured to receive a pre-defined list of takes of media data signals to be generated* and to *generate the meta data in association with the list of takes*, and the communications processor is configured to communicate the meta data in association with the list of takes.

The pending Office Action rejects the features of Applicants' dependent Claim 2, now incorporated into independent Claim 1, with a combination of Nakatani and Levine. Nakatani, however, fails to teach anything related to a camera. Nakatani is directed to a video data editing apparatus that can be embodied in a DVD-RAM recorder. (Nakatani, Abstract, col. 32, ll. 55-63.)

In addition, Nakatani also fails to teach the features related to the list of takes, as recited in Applicants' Claim 1. In particular, and as acknowledged by the outstanding Office Action, Nakatani fails to teach a meta data generation processor that is configured to receive a pre-defined list of takes of media data signals to be generated, and to generate the meta data in association with the list of takes. (Office Action, p. 8, ll. 19-23.)

The outstanding Office Action rejects the features of Applicants' Claim 1 based on the proposition that Levine describes the above feature related to the list of takes, and that it would have been obvious to modify Nakatani's video data editing apparatus by importing this feature from Levine to arrive at the features of Applicants' Claim 1. (Office Action, p. 9, ll. 1-5.) Applicants respectfully disagree and submit that the cited passages of Levine fails to teach a meta data generation processor as required by amended independent Claim 1.

The reference Levine is directed to a system for programming the automatic operation of a video recorder 22 (VCR), where alpha-numeric messages are generated on a TV screen 12, to provide a user of the VCR with a self-explanatory interactive programming guide. (Levine, Abstract, Fig. 1.) These instructions that are displayed on TV instruct to user to use

his control unit 18 to record a desired program sequence on a step-by-step basis. (Levine, col. 1, l. 65, to col. 2, l. 2.) The VCR 22 has a required character generator 34 that allows to generate the instructions so that they can displayed on the TV 12. (Levine, col. 2, ll. 16-29.) However, Levine fails to teach the meta data generation processor is ***configured to receive a pre-defined list of takes of media data signals to be generated*** and to ***generate the meta data in association with the list of takes***, as required by Applicants' Claim 1.

First, Levine merely generates instructions how to operate a VCR 22 that can be displayed on a TV screen 12, and does not generate a list of takes, the list of takes being pre-defined and indication a list of media signals to be generated. None of these instructions are associated to media data that will be generated. Second, Levine does not generate any meta data in association with the list of takes, but as result of his instructions that are displayed as a TV image, the user can operate the VCR 22 by the control unit 18 to store the desired programs. The outstanding Office Action relied on Levine's text at col. 1, ll. 54-63 and col. 2, ll. 12-24, (Office Action, p. 9, l. 2) but these passages merely explains the generation of instructions to guide the user how to operate his VCR, as discussed above.

Therefore, even if the combination of Nakatani and Levine is assumed to be proper, the cited passages of the combination fails to teach every element of Applicants' amended independent Claim 1. Accordingly, Applicants respectfully traverse, and request reconsideration of this rejection based on these references.

Independent Claims 9, 13 and 16 recite features that are analogous to the features recited in independent Claim 1, but are directed to a camera (Claim 9), a method of generating media data signals (Claim 13), and a camera (Claim 16). Moreover, Claims 9, 13 and 16 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 9, 13 and 16, and the rejections of all

associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 1.

Moreover, independent Claim 31 is directed to a meta data generation processor including *inter alia* a sample image generation processor which is configured to receive video signals being recorded on to a recording medium, and ***to generate at least one sample image which is representative of a video image from the video signals being recorded in association with a pre-defined list of takes of video signals.*** Independent Claim 37 recites analogous features to independent Claim 31, but directed to a method of generating video signals representative of an image source.


As discussed above, the references Nakatani and Levine, taken in any proper combination, fail to teach a sample image generation processor configured to generate at least one sample image which is representative of a video image from the video signals being recorded in association with a pre-defined list of takes of video signals. In Levine merely screen instructions are generated so that a user can easily operate his VCR.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1, 3-9, 11-41, 57-58, 66-68, 72-75 and 79-80 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

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